

ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

MAY 21 2007

Case No. 165

Date Filed 5/15/07

Hearing Date _____

Pre-Conf. _____

Receipt _____

Fee \$ 810.00

Shaded Area For Office Use Only

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name Kathleen A. & Michael D. O'Connell Phone Number Call Attorney

Address 606 Lancelot Lane, Bel Air, MD 21015-5832
Street Number Street State Zip Code

Property Owner Same as above. Phone Number _____

Address _____
Street Number Street State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street State Zip Code

Attorney/Representative Robert S. Lynch, Esquire Phone Number (410) 879-2222

Address Stark and Keenan, P.A., 30 Office Street, Bel Air, MD 21014
Street Number Street State Zip Code

Land Description

Address and Location of Property (with nearest intersecting road) Ring Factory Road, Bel Air, MD 21015
Property located to the east of Ring Factory Road and to the west of the subdivision known as Camelot.

Subdivision N/A Lot Number N/A Acreage/Lot Size 20.320 A Election District 3rd

Existing Zoning AG Proposed Zoning R2 Acreage to be Rezoned 20.320 Acres

Tax Map No. 56 Grid No. 2B Parcel 264 Deed Reference 1157/779

Critical Area Designation N/A Land Use Plan Designation Low Density Residential

Present Use and ALL improvements: vacant.

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) _____

See attached site plan.

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

No. If yes, describe: _____

Estimated Time Requested to Present Case: 2 hours.

Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

- (4) All surrounding zoning.
- (5) Proposed public or private capital improvements.
- (e) Previous individual rezonings and recommendation since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions.
- (f) Environmental features map indicating woods, fields, streams, floodplains, non-tidal wetlands, etc.
- (g) Property deed and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property.
- (h) Private restrictions or covenants, if any, applicable to subject parcel.
- (i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted.
- (j) Availability of public water and sewer.

Additional Information as Required by the Department of Planning and Zoning

- (a) Existing and proposed libraries, parks, schools, fire and police departments.
- (b) Demonstration of compatibility of the proposed use with existing and proposed development for the area.
- (c) Traffic impact study.
- (d) Economic and Environmental impact studies.
- (e) Estimated population for existing and proposed petitioned area and neighborhood, as defined.
- (f) Soils analysis.
- (g) Aerial photograph.

CASE 165 MAP 56 TYPE Rezoning

ELECTION DISTRICT 03 LOCATION Ring Factory Road, Bel Air 21015

BY Kathleen & Michael O'Connell, 606 Lancelot Lane, Bel Air 21015

Appealed because a rezoning pursuant to Section 267-12A of the Harford County Code to rezone 20.320 acres from a AG District to a R2 District requires approval by the Board.

I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information, and belief.

Michael D. O'Connell
Signature of Applicant/Owner Date

Kathleen D. O'Connell
Signature of Contract Purchaser/Owner Date

[Signature]
Signature of Attorney/Representative Date

[Signature] 5/18/07
Director of Planning and Zoning Date
SPG

[Signature]
Witness Date

[Signature]
Witness Date

Elizabeth H. Thompson
Witness Date

[Signature]
Zoning Staff Date

THE NEIGHBORHOOD

The neighborhood for this re-zoning request is defined as follows:

- 1) The eastern boundary is Emmorton Road (MD 924) approximately one mile east of the O'Connell property.
- 2) The southern boundary is the northern edge of the commercial development (but excluding that development) along Bel Air South Parkway, approximately 3,000 feet south of the O'Connell Property.
- 3) The western boundary is Winters Run which is a natural feature established as the boundary of the Development Envelope in the Harford County Master plan, approximately 1,000 feet west of the O'Connell Property.
- 4) The northern boundary is generally defined by MacPhail Road and the southern boundaries of the commercial corridor along US 1 but excluding those commercial areas. The boundary is approximately one mile north of the O'Connell property.

The neighborhood for the O'Connell property is based on a determination of the area that would be affected by the proposed zoning change for the O'Connell property or the area within which development activity would affect the subject property itself. Specifically any development within the neighborhood as defined above would directly affect the intersection of Ring Factory Road, which provides the primary access to the O'Connell property with MD 24 and with Tollgate Road, or the intersection of MD 24 with Plumtree Road on the south.

The existing land uses within the neighborhood are primarily residential in nature with some scattered commercial and institutional uses on the edges of the neighborhood. There are also some scattered remnants of agricultural uses along the western edges of the neighborhood. Existing zoning in the neighborhood is predominantly residential, with most of the area designated as R2. There is an area of R1 zoning south of the O'Connell property. To the south and west of the property the existing zoning is Agricultural.

CHANGE IN THE NEIGHBORHOOD

Two kinds of changes have affected the defined neighborhood. One is the volume of new development since the last Comprehensive re-zoning that has negatively and irreparably diminished the feasibility of agricultural uses in the area. The second change is the level of investments that the County has supported or funded that repeatedly supports the change in the neighborhood as one with an almost exclusively residential character.

The largest of the residential developments that have been built in the neighborhood were approved and constructed less than ½ of a mile from this property. The first is the Westgate development. This development has over 110 single family homes with access to South Tollgate Road about 2500 feet north of Ring Factory Road. The second development is West Valley Oaks, a single family residential community of 93 homes

with a single point of access on Ring Factory Road between South Tollgate Road and MD 24. The third development is Westgate III with 20 single family homes with access to Ring Factory Road directly opposite to the West Valley Oaks development.

The pattern of new residential development continues on the east side of MD 24. To the north of Ring Factory Road there is a residential development of 40 single family homes. To the south of Ring Factory Road is the subdivision of East Valley Oaks with approximately 50 single family homes.

The remainder of the changes in the neighborhood is a combination of multi-family residential developments, medical / institutional uses, and a limited amount of commercial / office uses on the edges of the neighborhood. All of these are uses typically associated with an expanding residential community. The closest of these is the Avondell Assisted Living Home which is located on the northern quadrant of the intersection of MD 24 and Ring Factory Road. On the northern edge of the neighborhood are the expansion of the Upper Chesapeake Medical Center and the McFaul Center. To the south are two medical clinics on either side of Plumtree Road on the east side of MD 24. On the west side of MD 24 south of Plumtree Road is the proposed Evergreen Farms Subdivision.

One of the more interesting changes to the neighborhood has been the construction of Getz Community Playground. The playground borders on the West Valley Oaks Subdivision and is sited to have access to Ring Factory Road and to be accessible to the larger neighborhood via MD 24. The playground is within walking distance of the O'Connell Property. This facility is typical of the amenities funded by Harford County to support continued residential development in the neighborhood. Among the other improvements that can be cited are the construction of the Patterson Mill Middle / High School complex on Patterson Mill Road just east of the neighborhood boundary. This facility will have over 1000 middle school and high school seats. It was planned and designed to provide relief to the existing Bel Air Middle School which had a utilization rate of 105 percent in September of 2005 and Bel Air High School which had a utilization rate of 115 percent.

MISTAKE ARGUMENT

This parcel has been included in Harford County's development envelope since at least the time of the Comprehensive Plan prepared in 1978. At that time it was part of a larger area of agricultural ownership and the reasonable expectation of the owners was that it would remain in agricultural use for some time. The expectation that the area would remain agricultural was supported by the fact that much of the infrastructure needed to support the development envelop was in the early stages of planning, including planning for what is today MD 24. Nevertheless, this 20 acre parcel has always been viewed by the owner and the County as having a separate future from the adjoining farm. As further evidence, when the County and then-owner of both this parcel and the adjacent agricultural parcel created an Agricultural Preservation District, this 20-acre parcel was not included in the District.

At the time of the last comprehensive re-zoning(1997), the situation regarding the long term agricultural viability of the parcel began to change. Sometime before 1997 this parcel was included in the planned water service district. In recognition of that and other factors, Harford County in 1998 included this parcel in the Priority Funding Area certified to the Maryland Department of Planning. Priority Funding Areas are defined as those areas identified by local government "where investment in older neighborhoods and encouraging the quality growth and development through funding programs, will reduce the outward pressure for sprawl and leapfrogging development." In simple terms the area was defined by Harford County as a priority area eligible for State investment to support growth and development. It should be noted that Harford County did not merely include all of its growth area in the Priority Funding Area. Rather the County made precise decisions as to which parcels to include, and which to exclude in this certification. In fact, the County characterized this parcel as residential in nature with a density of not less than two units per acre.

The effect of this designation on the viability of the parcel for agricultural use is precise. The legislation governing Maryland's agricultural preservation programs (The Agriculture Article, Title 2 (Department of Agriculture), Subtitle 5 (Maryland Agricultural Land Preservation Foundation, § 2-509(c)(4)) states that:

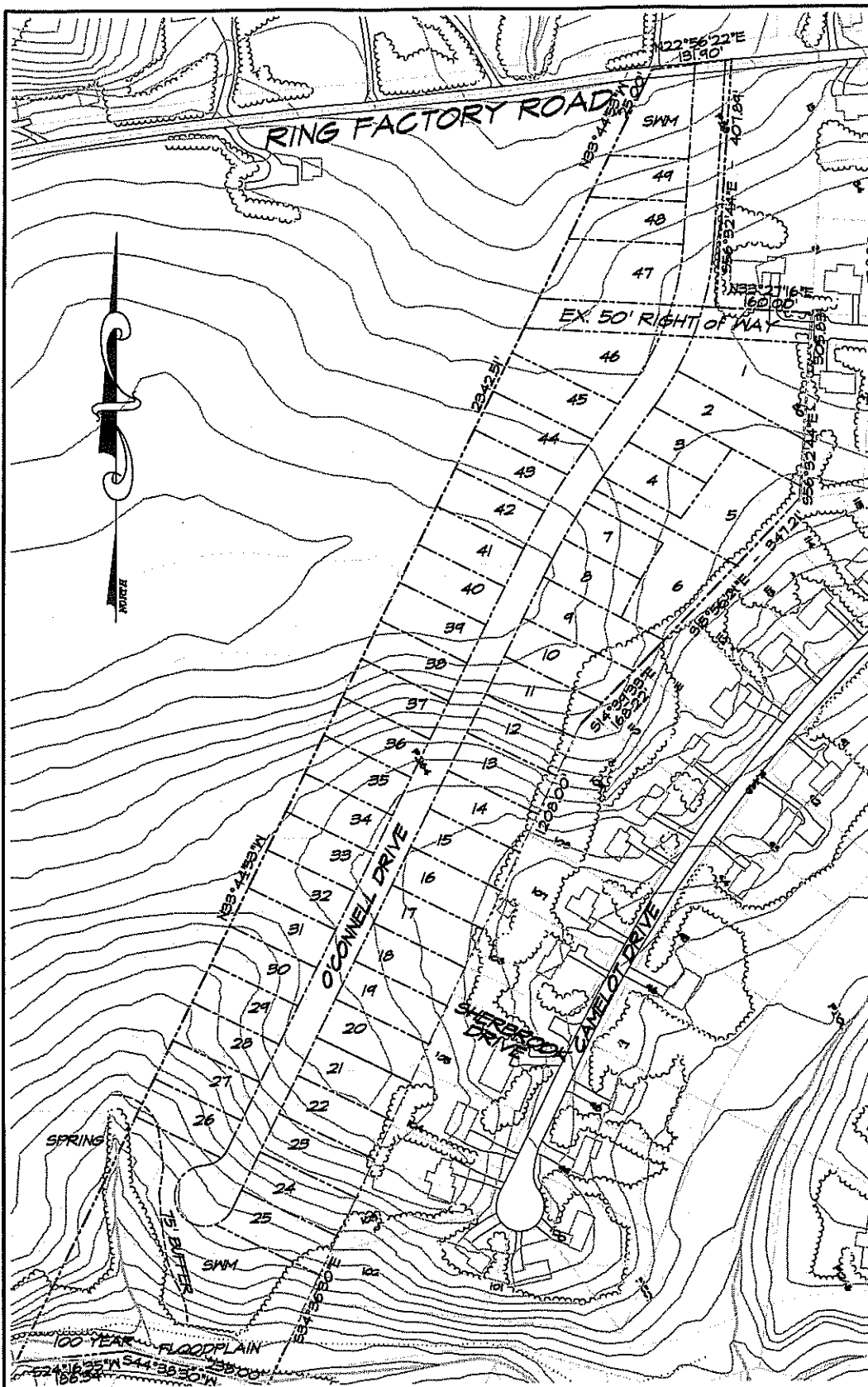
"Land within the boundaries of a 10-year water and sewer service district may be included in an agricultural district only if that land is outstanding in productivity and is of significant size."

This parcel is only 20 acres in size and is configured such that any viable economic use for agricultural purposes is impossible. It should be noted that since the last comprehensive re-zoning this parcel has also been included as a proposed sewer service area in the Harford County Water and Sewerage Plan. In addition, agricultural preservation program guidelines specifically prohibit purchase of agricultural easements within Priority Funding Areas.

The second "Mistake" argument is that Harford County could not have foreseen in 1997 the circumstances that are pushing growth and development in 2007. Decisions by the federal government to make Aberdeen Proving Grounds and Harford County a receiving area for new household development through the Base Realignment and Closure (BRAC) process is putting unforeseen pressure on the County's developable land resource. If one argues that the original agricultural zoning was appropriate because neither County infrastructure nor sufficient development pressure existed to justify a residential zoning classification at that time, neither argument would still be valid in 2007.

The Maryland Department of Planning recently published a report estimating new household growth in Harford County and elsewhere. The report indicates that there will be a demand for 6,533 new households attributable to the BRAC decisions in Harford County. That number is greater than the total of new units available through 2015 of 6,077. The supply of new units will be augmented by the continuing availability of existing units for sale (estimated to be 11,062 units), but the influx of new households into Harford County attributable to this change in policy could not have been foreseen in

1997 and will put increasing pressure on available land within the development envelop. Any land held in reserve to accommodate longer term development at that time is going to be needed much sooner if Harford County is to remain an affordable place to live and if stated policy of protecting resource lands outside of the development envelop is to be achieved.



DATE: APRIL 2007

SCALE: 1" = 200'

JOB NUMBER: 07021

DRAWN BY:

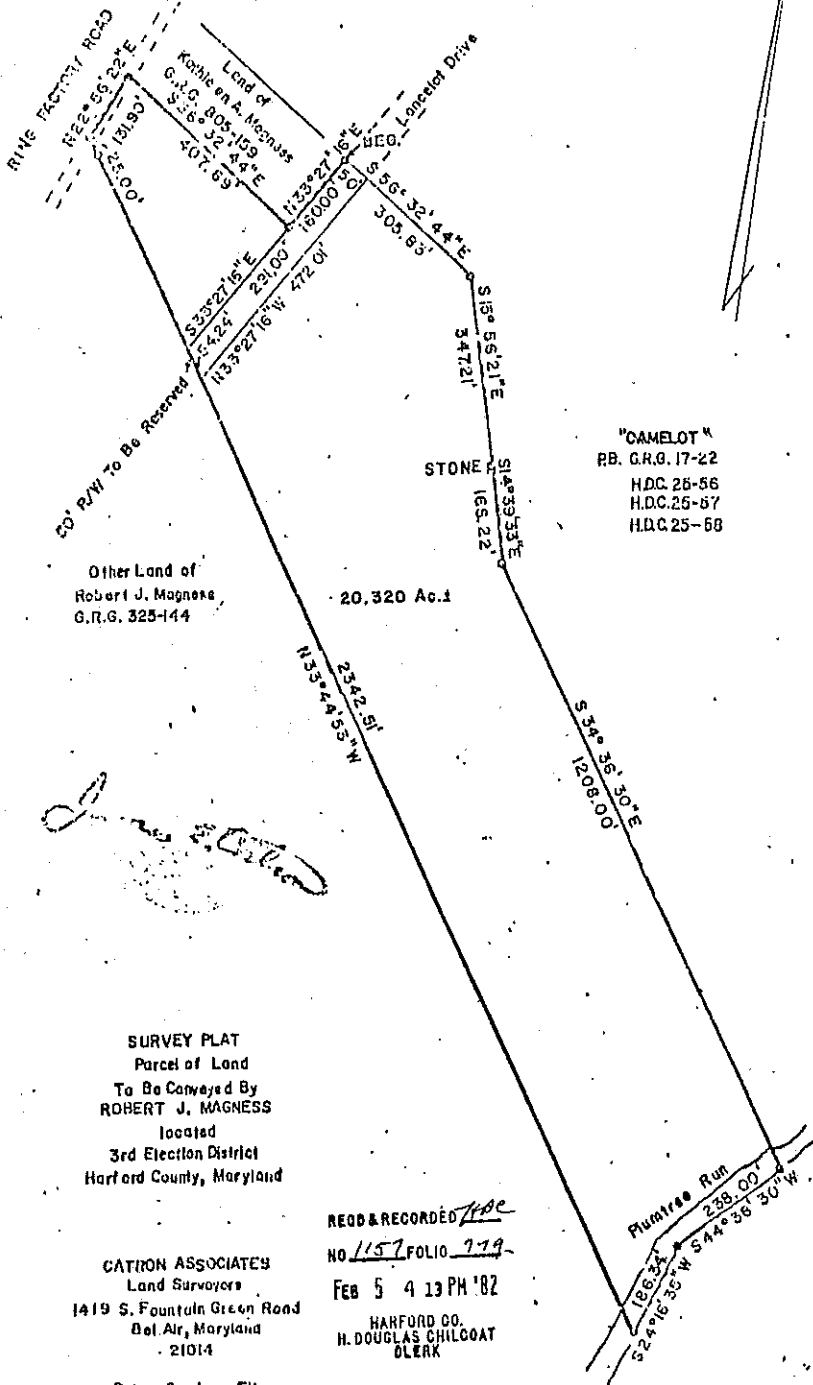
**Wilson Deegan
& Associates, Inc.**

SURVEYORS * ENGINEERS
2309 Belair Road - Suite C
Fallston, Maryland 21047
PHONE: (410) 843-3700/FAX: (410) 871-0700

CONCEPT LAYOUT
**O'CONNELL
PROPERTY**

THIRD ELECTION DISTRICT HANOVER COUNTY, MARYLAND

OWNER:
MICHAEL & KATHLEEN O'CONNELL
800 LANDLOT LANE
DEL. AVE. MARYLAND 2078-2003
PENDING



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

July 12, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 165

APPLICANT/OWNER: Kathleen A. & Michael D. O'Connell
606 Lancelot Lane, Bel Air, Maryland 21015

REPRESENTATIVE: Robert S. Lynch, Esquire
Stark and Keenan, P.A.
30 Office Street, Bel Air, MD 21014

LOCATION: Tax Map: 56 / Grid: 2B / Parcel: 264
Election District: Three (3)

ACREAGE: 20.32 acres

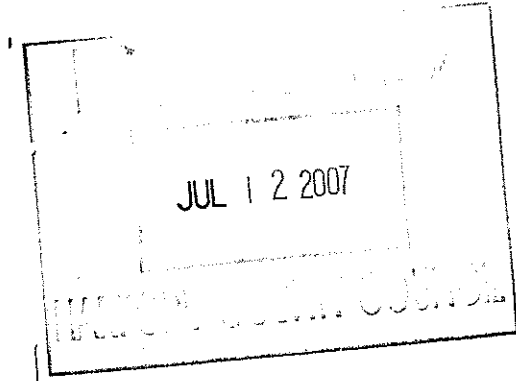
ACREAGE TO BE REZONED: 20.32 acres

EXISTING ZONING: AG/Agricultural District

PROPOSED ZONING: R2/Urban Residential District

DATE FILED: May 15, 2007

HEARING DATE: July 11, 2007



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

The Applicant is requesting to rezone 20.32 acres from AG/Agricultural District to R2/Urban Residential District.

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Justification:

See ATTACHMENT 1.

LAND USE AND ZONING ANALYSIS:

Location and Description of Neighborhood:

The Applicant's property is located south of the Town of Bel Air. The parcel is situated on the south side of Ring Factory Road approximately 2,800-feet west of MD Route 24. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachment 2 and 3).

The Applicants define the neighborhood as:

1. The eastern boundary is Emmorton Road (MD 924) approximately one mile east of the O'Connell property
2. The southern boundary is the northern edge of the commercial development (but excluding that development) along Bel Air South Parkway, approximately 3,000 feet south of the O'Connell Property.
3. The western boundary is Winter's Run which is a natural feature established as the boundary of the Development envelope in the Harford County Master Plan, approximately 1,000 feet west of the O'Connell Property.
4. The northern boundary is generally defined by MacPhail Road and the southern boundaries of the commercial corridor along US 1 but excluding those commercial areas. The boundary is approximately one mile north of the O'Connell Property.

The Department disagrees with the neighborhood defined by the Applicants. The Department defines the neighborhood as all those properties west of MD Route 24, north of Plumtree Road, east of Winters Run, and south of Macphail Road. Enclosed is a copy of a map showing the neighborhood defined by the Department (Attachment 4).

Land Use – Master Plan:

The subject property is located on the south side of Ring Factory Road west of MD Route 24. The predominant Land Use designation in the area is Low Intensity. The Natural Features Map reflects Agricultural Preservation Districts and Easements, and Stream Systems. The subject property is located within the Development Envelope and is designated as Low Intensity which is defined by the 2004 Master Plan as:

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are examples of some of the nonresidential uses associated with this designation.

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Enclosed with the report are copies of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses generally conform to the intent of the Master Plan. The area predominately contains single-family residential dwellings and agricultural uses. Commercial uses are generally located in the Town of Bel Air and on the east side of MD Route 24.

Plumtree Run is located along the southeast property line of the subject property. Plumtree Run is a major tributary stream which requires a 150-foot Natural Resource District (NRD) buffer projected from the centerline of the stream. There are also wetlands, Floodway and 100-Year Floodplain associated with Plumtree Run. The topography within the area ranges from rolling to steep. The subject property ranges from gently sloping to steep along Plumtree Run. The subject property is actively farmed with a small area of forest and scattered trees along Plumtree Run. Enclosed with the report are copies of the topography map and the aerial photograph (Attachments 7 and 8).

The subject property is irregularly shaped and is approximately 20.32+/- acres in size. It is bordered to the south by the Magness Farm and several residential lots with frontage along Plumtree Road. The Camelot single-family residential community borders the subject property to the north and east. There are large single-family residential lots and another Magness Farm on the north side of Ring Factory Road across from the subject property. Enclosed with the report are site photographs (Attachment 9).

Zoning and Zoning History:

Zoning:

The zoning classifications in the area are generally consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes R1 and R2/Urban Residential Districts. There are several parcels that are zoned AG/Agricultural within the neighborhood defined by the Department of Planning and Zoning. The subject property is zoned AG/Agricultural District as shown on the enclosed copy of the Zoning Map (Attachment 10).

Zoning History:

The subject property has remained zoned AG/Agricultural District since 1957 (Attachments 11 - 14). The Applicants requested that the property be rezoned to R2/Urban Residential District during the 2005 review. The County Council voted to change the property to R1/Urban Residential District. However, the County Executive vetoed the Legislation and the County Council did not override the veto. Therefore, the zoning assigned to the property in 1997

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remains in effect. Attached are copies of the 2005 zoning log and issues map (Attachment 15 and 16).

BASIS FOR INDIVIDUAL REZONING REQUEST:

Under Maryland case law, the burden of proof lies with the Applicant to provide information that there has been a substantial change in the overall character of the neighborhood or that the County made a mistake during the last comprehensive zoning review process. It should be noted that the Courts have stated that any argument for change cannot be based on existing changes that were anticipated during the last comprehensive review.

Substantial Change Argument:

The Applicants argue that the subject property can no longer be used for Agricultural uses. The Applicants state that, "Two kinds of changes have affected the defined neighborhood. One is the volume of new development since the last Comprehensive re-zoning that has negatively and irreparably diminished the feasibility of agricultural uses in the area. The second change is the level of investments that the County has supported or funded that repeatedly supports the change in neighborhood as one with an almost exclusively residential character."

"The largest of the residential developments that have been built in the neighborhood were approved and constructed less than ½ of a mile from this property. The first is the Westgate development. This development has over 110 single family homes with access to South Tollgate Road about 2500 feet north of Ring Factory Road. The second development is West Valley Oaks, a single-family residential community of 93 homes with a single point of access on Ring Factory Road between South Tollgate Road and MD 24. The third development is Westgate III with 20 single-family homes with access to Ring Factory Road directly opposite to the West Valley Oaks development."

"The pattern of new residential development continues on the east side of MD 24. To the north of Ring Factory Road there is a residential development of 40 single family homes. To the south of Ring Factory Road is the subdivision of East Valley Oaks with approximately 50 single family homes."

"The remainder of the changes in the neighborhood is a combination of multi-family residential developments, medical / institutional uses, and a limited amount of commercial / office uses on the edge of the neighborhood. All of these are uses typically associated with an expanded residential community. The closest of these is the Avondell Assisted Living Home which is located on the northern quadrant of the intersection of MD 24 and Ring Factory Road. On the northern edge of the neighborhood are the expansion of the Upper Chesapeake Medical Center and the McFaul Center. To the south are two medical clinics on either side of Plumtree Road on the east side of MD 24. On the west side of MD 24 south of Plumtree Road is the proposed Evergreen Farms subdivision."

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"One of the more interesting changes to the neighborhood has been the construction of Getz Community Playground. The playground borders on the West Valley Oaks Subdivision and is sited to have access on Ring Factory Road and to be accessible to the larger neighborhood via MD 24. The playground is within walking distance of the O'Connell Property. This facility is typical of the amenities funded by Harford County to support continued residential development in the neighborhood. Among the other improvements that can be cited are the construction of the Patterson Mill Middle / High School complex on Patterson Mill Road just east of the neighborhood boundary. This facility will have over 1000 middle school and high school seats. It was planned and designed to provide relief to the existing Bel Air Middle School which had a utilization rate of 105 percent in September of 2005 and Bel Air High School which had a utilization rate of 115 percent."

The Department of Planning and Zoning disagrees with the Applicant that a substantial change has occurred in the subject neighborhood. The land use in the area predominately consists of single-family dwellings. Several parcels within the subject neighborhood have recently been developed in accordance with their existing zoning. These parcels are all located within the Development Envelope. The development of these parcels for residential uses is consistent with the 1996 and 2004 Master Plans and existing zoning. The Lyn Stacie Getz playground was constructed on ground donated by the developer of East Valley Oaks. Parks and recreation facilities are permitted in all zoning districts. The Applicants also identify several commercial projects which have been development in accordance with the existing zoning. It is important to note that the projects identified by the Applicants are all located outside of the neighborhood defined by the Department.

As stated above, the development which has occurred in the area is consistent with the existing zoning and Land Use Plan. Therefore, the Department finds that there has not been a substantial change in the neighborhood.

Mistake:

The Applicant states that, "This parcel has been included in Harford County's development envelope since at least the time of the Comprehensive Plan prepared in 1978. At that time it was part of a larger area of agricultural ownership and the reasonable expectation of the owners was that it would remain in agricultural use for some time. The expectation that the area would remain agricultural was supported by the fact that much of the infrastructure needed to support the development envelope was in the early stages of planning, including planning for what is today MD 24. Nevertheless, this 20 acre parcel has always been viewed by the owner and the County as having a separate future from the adjoining farm. As further evidence, when the County and then-owner of both this parcel and the adjacent agricultural parcel created an Agricultural Preservation District, this 20-acre parcel was not included in the District."

"At the time of the last comprehensive rezoning (1997), the situation regarding the long term agricultural viability of the parcel began to change. Sometime before 1997 this parcel was included in the planned water service district. In recognition of that and other factors, Harford

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County in 1998 included this parcel in the Priority Funding Area certified to the Maryland Department of Planning. Priority Funding Areas are defined as those areas identified by local government "where investment in older neighborhoods and encouraging the quality growth and development through funding programs, will reduce the outward pressure for sprawl and leapfrogging development." In simple terms the area was defined by Harford County as a priority area eligible for State investment to support growth and development. It should be noted that Harford County did not merely include all of its growth area in the Priority Funding Area. Rather the County made precise decisions as to which parcels to include, and which to exclude in this certification. In fact, the County characterized this parcel as residential in nature with a density of not less than two units per acre."

"The effect of this designation on the viability of the parcel for agricultural use is precise. The legislation governing Maryland's agricultural preservation programs (The Agricultural Article, Title 2 (Department of Agriculture), Subtitle 5 (Maryland Agricultural Land Preservation Foundation, Section 2-509(c)(4)) states that:

"Land within the boundaries of a 10-year water and sewer service district may be included in an agricultural district only if the land is outstanding in productivity and is of significant size."

"This parcel is only 20-acres in size and is configured such that any viable economic use for agricultural purposes is impossible. It should be noted that since the last comprehensive rezoning this parcel has also been included as a proposed sewer service area in the Harford County Water and Sewerage Plan. In addition, agricultural preservation program guidelines specifically prohibit the purchase of agricultural easements within Priority Funding Areas."

"The second "Mistake" argument is that Harford County should have foreseen in 1997 the circumstances that are pushing growth and development in 2007. Decisions by the federal government to make Aberdeen Proving Grounds and Harford County a receiving area for new household development through the Base Realignment and Closure (BRAC) process is putting unforeseen pressure on the County's developable land resource. If one argues that the original agricultural zoning was appropriate because neither the County infrastructure nor sufficient development pressure existed to justify a residential zoning classification at that time, neither argument would still be valid in 2007."

"The Maryland Department of Planning recently published a report estimating new household growth in Harford County and elsewhere. The report indicates that there will be a demand for 6,533 new households attributable to the BRAC decisions in Harford County. That number is greater than the total of new units available through 2015 of 6,077. The supply of new units will be augmented by the continuing availability of existing units for sale (estimated to be 11,062 units), but the influx of new households into Harford County attributable to this change in policy could not have been foreseen in 1997 and will put increasing pressure on available land within the development envelope. Any land held in reserve to accommodate longer term development at that time is going to be needed much sooner if Harford County is to remain an affordable place

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to live and if stated policy of protecting resource lands outside of the development envelope is to be achieved.”

The Department disagrees with the Applicants that the County is not prepared for growth that will result from BRAC. The Department has been monitoring BRAC and is continuing to update and revise the County's housing projections based on current inventory and trends in building permits for new construction. As of March 2007, the County has an inventory of 7,664 approved units. The County has a total estimated inventory of 19,900 remaining units within the Development Envelope. It is important to note that there has been a sharp decline in building permit activity since the beginning of 2006. From 2001 through 2005, the County issued an average of 1,930 building permits for new construction per year. In 2006 alone, the County experienced a decline of approximately 45% in the number of building permits issued. This trend has continued into the first half of 2007.

The Applicants' statement that the subject property is “configured such that any viable economic use for agricultural purposes is impossible” is unfounded. The subject property has been actively farmed since before it was subdivided from a larger farm in 1982 and continues to be farmed.

ANALYSIS OF INDIVIDUAL ZONING REQUEST:

Conformance with the Master Plan and Land Use Element Plan:

The proposed rezoning is in conformance with the intent of the 2004 Master Plan. The Land Use Plan shows the area designated as Low Intensity.

Impact on the neighborhood:

The requested rezoning would not adversely impact the neighborhood.

COMMENTS FROM ADVISORY GROUPS:

History Preservation Commission:

This property is not in a historic district and there are no historic sites on the property.

Planning Advisory Board:

The Planning Advisory Board (PAB) reviewed the request at their meeting on July 11, 2007. The PAB voted 5-0 to recommend that the requested change in zoning be denied (Attachment 17).

RECOMMENDATION and or SUGGESTED CONDITIONS:

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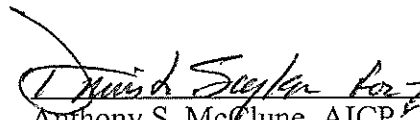
Kathleen A. & Michael D. O'Connell

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The Department of Planning and Zoning recommends that the request to rezone the subject property from AG/Agricultural District to R2/Urban Residential District be denied.


Shane Grimm, AICP
Chief, Site Plans & Permits Review

SPG/ASM/jf


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning